Pellegrino, Rachel

From: TMFeedback
Sent: Friday, January 14, 2011 7:21 AM
To: Brown, Brian (TM); Hickey, Toni
Subject: FW: Small Business Study

From: Mike Shkolnik (b)(6)
Sent: Friday, January 14, 2011 2:04 AM
To: TMFeedback
Subject: Small Business Study

I was sued by Monster Cable Products for registering the web site monster.biz for the purpose of selling monster toys! The law suit was beyond absurd. Thankfully they got so much bad press that they dropped the case. I served them with a bill and they paid it. Details can be found here along with all documents:

www.madmartian.com/legal

I left that web site up and continued to get emails from other victims, so I decided to make a documentary! I filmed some interviews and put up a web site here:

www.monstersofcrock.com

I haven't had time to finish the film.

6. Do you think trademark owners currently encounter the problem of other trademark owners using their trademark rights to harass and intimidate another business beyond what the law might be reasonably interpreted to allow?

Yes

If so, how significant is the problem?

Huge

8. Do you think the USPTO has a responsibility to do something to discourage or prevent aggressive trademark litigation tactics?

Yes

If yes, what should the USPTO do?

Act as an arbitrator

9. Do you think the U.S. courts have a responsibility to do something to discourage or prevent aggressive trademark litigation tactics?

Yes

If yes, what should the U.S. courts do?

Reject frivolous lawsuits

11. Do you think Congress has a responsibility to do something to discourage or prevent aggressive trademark litigation tactics? If yes, what should Congress do?

Yes. Many companies use the excuse that Trademark law REQUIRES them to enforce their trademark or lose it. This part of trademark law needs to be changed so that trademark holders have no excuse for this abuse.